

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION**

NEIL DEERING, individually, and on  
behalf of himself and all others  
similarly situated,

*Plaintiff,*

v.

CENTURYTEL, INC., a Louisiana  
Corporation, CENTURYTEL  
BROADBAND SERVICES, LLC, a  
Louisiana Corporation, and  
CENTURYTEL SERVICE GROUP,  
LLC, a Louisiana Corporation,

*Defendants.*

**Case No. CV-10-63-BLG-RFC**

**JOINT MOTION FOR  
ENLARGEMENT OF TIME**

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**JOINT MOTION FOR ENLARGEMENT OF TIME**

COMES NOW Neil Deering, on behalf of himself and all others similarly situated, Plaintiff herein, and CenturyTel, Inc., CenturyTel Broadband Services, LLC, and CenturyTel Service Group, Defendants herein, and respectfully file this Joint Motion for Enlargement of Time showing the following:

1. Per the Court's June 30, 2010 order, the trial date in the instant matter is June 6, 2011. Fully briefed motions are due by March 15, 2011. Discovery closes on February 26, 2011. And expert disclosures are due on January 17, 2011.



2. The parties met and conferred prior to submitting their Joint Report and [Proposed] Scheduling Order on June 30, 2010. At the time of agreeing to certain deadlines, the parties were not aware of certain roadblocks that – despite good faith and best efforts – will prevent the parties from meeting those deadlines which were solidified in the Court’s June 30, 2010 Order.

3. Specifically, in compiling the documents responsive to Plaintiff’s discovery requests, Defendants discovered that many of those documents are stored on Novell backup tapes which cannot easily be processed into readable form. Defendants have needed to engage the services of an outside vendor in order to attempt to process the data stored on those tapes into a readable format. Production of those documents is likely to take several weeks.

4. The Plaintiff has noticed depositions, but the parties agree that it would be neither practical nor efficient for Plaintiff to take the noticed depositions without first receiving the responsive documents. The Plaintiff expects that the documents will form the basis for his depositions, and if forced to proceed with the depositions in advance of receiving the documents, he would seek to continue the depositions post-production. Given that CenturyTel witnesses are located all over the country, unnecessary expense would result. Moreover, proceeding in such a manner will not result in the parties completing all of the necessary discovery



within the currently imposed deadlines. To that end, the parties desire to postpone holding depositions until after the documents can be produced.

5. Additionally, Plaintiff is unable to complete any meaningful expert reports until after document production and certain depositions have been completed.

6. Given the document production roadblock, the current discovery and trial schedule is untenable. Defendants anticipate being able to produce all of the responsive documents by mid- to late-February. However, there will not be time to schedule and complete depositions before the current discovery cut-off of February 26, 2011.

7. In order to achieve meaningful and thorough non-expert and expert discovery, the parties respectfully request that the discovery, briefing, and trial schedule should be amended as follows:

<u>Event</u>	<u>Current Deadline</u>	<u>Proposed Deadline</u>
Liability expert reports	January 17, 2011	March 15, 2011
Non-expert discovery deadline	February 26, 2011	March 31, 2011
Expert discovery deadline		April 30, 2011
Daubert Motions		May 15, 2011
Dispositive Motions	March 15, 2011	June 15, 2011
fully briefed		
Final Pretrial Conference	May 26, 2011	To Be Set By Court
Trial Date	June 6, 2011	To Be Set By Court

8. A proposed order is attached hereto.



Dated: January 14, 2011

/s/ Lane K. Bennett

Lane K. Bennett

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Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing this January 14, 2011 with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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